

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ISRA VISION, AG,

Plaintiff,

v.

Case No. 07-11559

BURTON INDUSTRIES, INC.,

Defendant.

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION IN LIMINE,
TERMINATING DEFENDANT'S MARCH 3, 2010 MOTION TO AMEND,
AND CANCELING THE FINAL PRETRIAL CONFERENCE**

Before the court is a motion in limine filed by Plaintiff ISRA Vision AG ("ISRA") on January 12, 2010. The motion has been fully briefed and the court concludes a hearing is unnecessary. See E.D. Mich. LR 7.1(e)(2). After reviewing the brief, the court will deny it, primarily because the arguments asserted in the motion should have been brought in a dispositive motion, rather than a motion in limine. The dispositive motion deadline has long-since passed and the court will not allow parties to circumvent the scheduling order deadlines by casting their dispositive motions as motions in limine. Moreover, inasmuch as this litigation will be tried to the bench, the issues raised in the motion can, and should, be determined in the court's findings of fact and conclusions of law. This is particularly true given that it is the court's observation that the evidence related to the relevant issues will not be time-consuming. Indeed, during the April 7, 2010 status conference, counsel confirmed that they could efficiently address these issues during the bench trial. Accordingly,

IT IS ORDERED that Plaintiff ISRA's motion in limine [Dkt. # 53] is DENIED without prejudice and Defendant's March 3, 2010 motion to amend [Dkt. # 67] is TERMINATED as moot.

Finally, during the April 7, 2010 conference, counsel and the court agreed that a final pretrial conference is not necessary in this matter.¹ Thus, IT IS FURTHER ORDERED that the Final Pretrial Conference currently scheduled for April 22, 2010 is CANCELED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 19, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 19, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹If counsel changes their mind, however, and find that perhaps an in-person conference, with or without party representatives, would aid in either resolving this case or streamlining the issues for trial, counsel is directed to notify the court's case manager.